

7. DISCIPLINARY REGULATIONS FOR STUDENTS

The Regulations in force at the time of the misconduct will apply.

Principles

- 7.1 The University of Bath's Disciplinary Regulations are intended to support our duty of care and responsibility to our University community by:
- Setting clear expectations for how members of the University community should take care and responsibility for each other;
 - Upholding appropriate standards of behaviour;
 - Upholding the integrity of the University's academic context.

Authority

- 7.2 Article 24 of the Charter of the University and the University Statutes (see the University's Charter and Statutes at: <https://www.bath.ac.uk/publications/charter-of-the-university-of-bath/>) confer on the Senate the power to make Regulations to regulate, amongst other things, the education and discipline of the students of the University.

The Students' Union has its own constitution, whose provisions are subject to approval by the University Council and apply to all members of the Students' Union.

Scope

- 7.3 Disciplinary procedures will be used where a student has allegedly committed an act of misconduct on or off university premises (including online) where the injured party is:
- the university itself,
 - a student or employee of the university
 - any other person either within the campus or other precincts of the University or in the course of a University activity

Misconduct

- 7.4. Misconduct is broadly defined as behaviour where the University community has been, or could be impacted as a result, where a member of the community has not taken appropriate care or responsibility for how their behaviour has affected others. Our definition of misconduct is not equivalent to the legal definition of misconduct in criminal law.

Particular Definition of Misconduct

- 7.5 In particular and by way of illustration but not limitation, the following shall (subject to the above) constitute misconduct:

a) Health and Safety Misconduct:

Action likely to cause injury or impair health or safety including:

- (i) Smoking in areas not designated for this purpose including the Underdeck, the Library Balcony or on the Parade.
- (ii) parking motor vehicles or bicycles in any place not specifically authorised for that purpose
- (iii) the driving of motor vehicles on campus in a dangerous, reckless or careless manner
- (iv) the use of any mode of personal transport or conveyance in pedestrian areas other than where duly authorised because of disability

(v) possession of any drug or drugs, possession of which, unless prescribed for the student by a registered medical practitioner, would render the student liable to prosecution. The first instance of drug possession will be processed as Health and Safety misconduct, subsequent breaches will be processed as misconduct that may also be a criminal offence.

(vi) improper interference with the services or plant of the University or the fabric of any part of the University estate or with fire alarm systems or fire fighting and safety equipment

(vii) walking on, or entering, any restricted area (including roofs) without obtaining official permission from the Director of Estates

(viii) dropping or throwing an object from a high-rise building

(ix) diving, swimming, paddling, boating or using the University lake in any other way without the permission of Security Services.

(x) failure to disclose name and other relevant details, or to provide your library card to an officer or employee of the University in circumstances when it is reasonable to require that such information be given

b) Operational Obstruction:

(i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University

(ii) obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff or other employee of the University or any authorised visitor to the University

(iii) using or allowing others to use a University Library / Identity Card for purposes other than identification or access by the person named on the card, or misusing the card in any other way.

c) Regulatory breaches

(i) breach of the provisions of the University's Codes of Practice on Freedom of Expression, Health and Safety, Residential Rules, the IT Acceptable Use Policy and any other Code or University rule or regulation which provides for breaches to constitute misconduct under these Regulations

(ii) failure to comply with a previously-imposed penalty under these Regulations

(iii) taking or sharing audio, video or photographic recordings of teaching activities without the lecturer's express consent

d) Damage to property

(i) damage, misuse, unauthorised use or taking of items of property, including technology misuse

e) Academic Misconduct

(i) the use of unfair means in any examination or assessment procedure, including

- cheating, for example unauthorised reference to notes or course material in an examination
- fabrication, e.g. reporting on experiments never performed
- falsification, e.g. misrepresentation of the results of experimentation
- plagiarism, i.e. taking the writings or ideas of another and representing them as one's own (see Regulations 15.3(e) and 16.1(k))
- duplication of one's own work, i.e. submitting as if for the first time and without acknowledgement, content which has previously been assessed

f) Reputational Damage

- (i) behaviour that brings the University into disrepute (excluding legitimate complaints against the university, formal representations by the SU or whistleblowing)

g) Criminal offences

- (i) fraud, deceit, deception or dishonesty
- (ii) supply of any drug or drugs, possession of which, unless prescribed for the student by a registered medical practitioner, would render the student liable to prosecution (the first instance of drug possession will be processed as Health and Safety misconduct, subsequent breaches will be processed as misconduct that may also be a criminal offence)
- (iii) offences of dishonesty where the Student holds an office of responsibility in the University
- (iv) unless duly authorised possession or use of firearms, imitation firearms, fireworks, explosives or any highly combustible materials or any article which is made, adapted or intended to be used as an offensive weapon.
- (v) possession of a knife
- (vi) any other behaviour which could constitute a criminal offence

(h) Offensive or abusive behaviour

- (i) violent, indecent, disorderly, threatening or offensive behaviour or language
- (ii) taking or sharing audio, video or photographic recordings of others without their express consent
- (iii) unless duly authorised, using or causing to be used any means of sound reproduction or amplifying device so as to cause offence or inconvenience to others.
- (iv) organising or leading coercive initiation-type behaviours

(i) Breach of Dignity and Respect policy (which has not or cannot be resolved by informal means)

- (i) bullying, harassment, victimisation, stalking, coercive control or any other behaviour proscribed under the Dignity and Respect policy
- (ii) making malicious accusations against other students or staff

(j) Sexual misconduct:

Any non-consensual sexual activities, including but not limited to:

- (i) Sexual comments
- (ii) Touching
- (iii) Kissing
- (iv) Recording or sharing intimate images
- (v) Showing sexual organs
- (vi) Sexual acts
- (vii) Attempted sexual intercourse
- (viii) Sexual intercourse

The definition of consent is: “Freely agreeing to sexual activity and having the freedom and capacity to make that choice.” Consent can be withdrawn at any time.

(k) Discrimination and hate motivated misconduct:

- (i) Discriminatory behaviour including racist, sexist, homophobic, xenophobic, ableist, ageist, transphobic or religiously-based hate language or actions
- (ii) Abusive behaviour including racist, sexist, homophobic, xenophobic, ableist, ageist, transphobic or religiously-based hate language or actions

7.6 Categorisation of misconduct

The University will categorise the severity of misconduct according to that misconduct meeting one or more of the criteria in the categories listed below.

Category A

No or minimal harm or disruption caused, or a limited impact on the proper functioning or activities of the University, or an accidental or inadvertent breach.

Category B

Moderate harm or disruption caused, or a moderate impact (or risk thereof) on the proper functioning or activities of the University.

Category C

Significant harm or disruption caused, or a severe impact (or risk thereof) on the proper functioning or activities of the University, or sustained or repeated misconduct.

Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.

Date of Last Update: 1 August 2020